



Appeal Decision

Site visit made on 8 April 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal Ref: APP/C1570/W/24/3355758

Venn House, Tenterfields, Great Dunmow, Essex CM6 1HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr T Gooday (Kingsheath Developments) against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/2005/FUL.
 - The development proposed is the erection of entrance gates and brick piers.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of entrance gates and brick piers at Venn House, Tenterfields, Great Dunmow, Essex CM6 1HH in accordance with the terms of the application, Ref UTT/24/2005/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing no: BDS-1782-C100 Rev C.
 - 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
 - 4) The gates hereby permitted shall not be installed until the 'give-way' markings as annotated on the approved plan have been implemented in full and thereafter retained for the lifetime of the development.
 - 5) The gates hereby permitted shall not be installed until details of the positioning, method and operation of the gate opening sensors have been submitted to and approved in writing by the local planning authority. The sensors shall thereafter be installed prior to the installation of the gates in accordance with the approved details and retained in full working order for the lifetime of the development.

Preliminary Matters

2. The appellant has submitted an amended plan with the appeal which shows the addition of 'give-way' markings on the access driveway, on the eastern side of the proposed gates. These markings have been approved by the Council as part of a discharge of condition application (LPA Reference: UTT/23/1331/DOC) associated with

a permission for the residential re-development of the wider Venn House site that was granted at appeal (APP/C1570/W/21/3289650 dated 04 January 2023).

3. The amendment seeks to align the proposed plan with the speed control works that have already been approved by the Council and are required to be implemented for the wider development. Evidence submitted with this appeal indicates that the Council and Highway Authority requested this amendment to the proposed plans. I do not consider the amendments make a substantial difference or fundamental change to the development when compared to the plan upon which the Council made its decision. The Council has also had the opportunity to review and comment on this evidence such that it would not cause unlawful procedural unfairness to anyone involved in the appeal. I have therefore determined the appeal on the basis of this amended plan.
4. During my site visit I observed that a wall has been constructed on the left-hand side of the driveway on the approach into the site, broadly in the same position as where the gate pier is proposed as part of this appeal. However, what has been constructed does not accord with the plans before me. Nevertheless, I have considered this appeal on the basis of the plans as set out above.

Main Issue

5. The main issue is the effect of the proposed development on highway safety along Tenterfields.

Reasons

6. The appeal site is located on the western side and behind properties on Tenterfields, which is a relatively quiet, residential road. The site is currently being developed for 12 houses and is accessed down a rather narrow driveway running between numbers 1 and 3 Tenterfields. The driveway widens out where it bends partway along its length and opens out into the wider site. Whilst constrained by its existing width, it has been concluded by a previous Inspector that the driveway would provide sufficient visibility along its length to create a safe route for vehicles and pedestrians, subject to the installation of speed control measures, and I have no reason to disagree with the previous Inspector in this regard.
7. As set out above, pursuant to condition 4 of the planning permission granted on appeal, 'give-way' markings have been approved on the eastern side of the bend where the driveway widens. This is to ensure that vehicles are held back within the site until any vehicle entering the site has passed, to enable the safe two-way flow of traffic. These markings are to prevent any vehicles from having to reverse back down the driveway and onto Tenterfields, as priority is given to incoming vehicles.
8. The appeal scheme proposes the erection of sensor operated entrance gates and flanking brick piers on the western side of the 'give-way' markings. The appellant confirms that the vehicular gates would not be controlled by a fob or code, but instead would be sensor triggered upon approach to the gates. The gates would be positioned broadly at the widest part of the bend and based on the evidence before me, would not encroach into or obstruct the width of the driveway, enabling two vehicles to pass. Nor does the development seek to alter the previously approved 'give-way' markings or any other part of the driveway or highway access.
9. Consequently, even with the installation of the gates, subject to a condition requiring the implementation of the 'give-way' markings prior to the installation of the gates,

vehicles would still be held back within the site until any vehicle entering the site has passed. On this basis, the development would not compromise the available space for the simultaneous entry and exit of vehicles. Nor would it change the approved speed control arrangement that enables the safe two-way flow of traffic.

10. Interested parties have raised concerns that the gates would not be visible to vehicles entering the site off the highway due to their positioning around the bend. Consequently, in the event vehicles are deterred due to the presence of gates or are denied access, this could result in vehicles having to reverse back to the highway due to insufficient space for vehicles to turn around. I agree that this would be a realistic scenario if someone entering the site was unable to pass through the gates, turn and exit in a forward gear and could cause potential conflict to through traffic and pedestrians to the detriment of highway safety.
11. However, this issue would be prevented if the gate opening sensors were to trigger as soon as any vehicle were to enter the driveway off the highway, or as soon as the gates were to come into view. This would ensure that any vehicle entering the site would be able to pass through the gates and access the turning head. Precise details of the positioning, method and operation of the gate opening sensors may be controlled by condition. This, in addition to the implementation of the 'give-way' markings, would be sufficient to address this concern and I am satisfied that no other traffic measures would be required by condition such as a traffic mirrors or additional signage.
12. Accordingly, for the above reasons, and subject to the conditions as described above, I find that the proposed development would not have an adverse effect on highway safety along Tenterfields. This accords with Policy GEN1 of the Uttlesford Local Plan (2005) (the ULP) insofar as it requires developments not to compromise road safety and the National Planning Policy Framework where it seeks to maintain highway safety.
13. The reason for refusal finds conflict with the "Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011". I have been supplied with a copy of Essex County Council's Development Management Policies (2011) but the Council has not cited which particular policy they have identified conflict with. Having reviewed the document and considering my conclusions above, I do not consider the development to be contrary to the general policy principles which seek to maintain highway safety.
14. The Council also finds conflict with Policies S1, GEN2 and H8 of the ULP in the officer report. However, these policies are not determinative in my consideration of this appeal as they relate to the strategic approach to development within the Main Urban Areas of the district, specific criteria relating to the design of developments and requirements for home extensions respectively.
15. Reference is also made to the Uttlesford District Council Local Development Framework Supplementary Planning Document – Home Extensions (2005) (the HESPD) and the Essex Design Guide (EDG) in the officer report. I have been supplied with an extract titled 'Parking Square' from the EDG. However, given the extract of the SPD relates to parking square design and the HESPD relates to design principles for householder developments, they are not determinative in my consideration of this appeal.

Other Matters

16. Interested parties have commented that if the gates are sensor operated and open for any vehicles entering the site then they are not necessary for security purposes. However, there is no evidence of any requirement in local or national policy for the appellant to demonstrate a need for this type of proposed development.
17. Interested parties have also raised other concerns which essentially relate to whether the driveway is of sufficient geometry to accommodate additional traffic without risk to pedestrians and highway safety. However, the suitability of the driveway and access to accommodate the additional traffic associated with the wider residential development has already been established. This is not a matter that can be revisited as part of my determination of this appeal. Furthermore, I have dealt with the appeal on the basis of the plans before me and have not identified any harm with the location of the gates as proposed, subject to conditions. It is not necessary for me to consider alternative locations.
18. Interested parties have also requested that the appellant be required to construct a more solid boundary treatment to the rear of 3 Tenterfields to prevent danger from potential vehicle collision into the boundary. However, given the introduction of gates would not impact the volume or increase the speed of traffic utilising the driveway at the point adjacent to No 3, this is not necessary. Concerns have also been raised that the photos supplied by the appellant are ineffectual at highlighting highway safety concerns. However, I have based my assessment and drawn my conclusions on what I saw during my site visit in addition to the evidence that has been put before me.
19. Additional concerns have also been raised about the potential impact on the living conditions of neighbouring occupiers through noise and disturbance from the gate opening mechanism, noise and fumes from idling vehicles and intrusion from vehicle headlights. However, the appeal scheme would not impact the volume of traffic using the driveway and consequently would not result in an increase in disturbance from vehicle traffic or intrusion from headlights. The use of sensor operated gates in the manner described above would also prevent vehicles idling whilst waiting for the gates to open. Furthermore, given the gates would be separated from neighbouring properties, there is unlikely to be any significant noise disturbance from the sound of the gates opening. Therefore, whilst I have had full regard to all matters raised by interested parties, they do not alter my conclusion in respect of the main issue.

Conditions

20. I have imposed conditions specifying the period for commencement and requiring the development to be carried out in accordance with the approved plans in the interest of planning certainty. I have also imposed a condition requiring the submission of materials to maintain the character and appearance of the area. For the reasons given above, conditions are also necessary to require the completion of the give way markings and submission of details of the positioning, method and operation of the gate opening sensors prior to installation, in the interest of highway safety.
21. I have not combined the conditions relating to the submission of materials and details of the gate opening sensors into one, as suggested by the appellant, as the conditions contain separate triggers to cover the scenario where the piers are erected but the gates are not installed.

Conclusion

22. For the reasons given above, I conclude that the development accords with the development plan and the appeal should be allowed.

H Whitfield

INSPECTOR